

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,849	03/15/2001	Christopher J. Edge	I0264US01	5262

7590 06/03/2004

Steven J Shumaker
Shumaker & Sieffert P A
8425 Seasons Parkway
Suite 105
St Paul, MN 55125

EXAMINER

BURGE, LONDRA C

ART UNIT PAPER NUMBER

2178

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/808,849	Applicant(s) EDGE, CHRISTOPHER J.	
	Examiner Londra C Burge	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2178

DETAILED ACTION

1. This action is responsive to communications: Original application and IDS filed 3/15/2001
2. Claims 1-26 are pending. Claims 1 and 14 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiratsuka et al. (herein after Hiratsuka) U.S. Patent No. 6,108,441, in view of Stuppy U.S. Patent No. 6,146,148 filed 3/25/1999.

In regard to independent claim 1, Hiratsuka discloses *adjustment of color characteristics of an image; and permitting an upload of the image to a web server.*(Hiratsuka Abstract i.e. a method for color adjustments of a color image and after color adjustment which is to displayed on an after-adjustment display window.)

Hiratsuka does not mention *identifying a technician* responsible for adjustment of color characteristics and *if the technician satisfies a qualification criterion*. However, Stuppy mentions information uploaded to a user based on their profile (Stuppy Col 2 Lines 2-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Stuppy to Hiratsuka, providing Hiratsuka the benefit of uploading the adjust image color to the user based

Art Unit: 2178

on their profile to insure the correct information correlates with the correct user as taught by Stuppy Col 2 Lines 1-10.

In regard to dependent claim 2, Hiratsuka does not disclose of *wherein the qualification criterion includes a minimum level of color adjustment skill*. However, Stuppy mentions users that receive information or test based on the mastery of certain learning objectives or skills (Stuppy Col 4 Lines 49-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Stuppy to Hiratsuka, providing Hiratsuka the benefit of having a qualification that includes a certain skill level in order to receive certain information as taught by Stuppy Col 4 Lines 49-52.

In regard to dependent claim 3, Hiratsuka discloses *adjustment of color characteristics of an image*. (Hiratsuka Abstract i.e. a method for color adjustments of a color image)

Hiratsuka does not disclose of *wherein the qualification criterion includes a minimum level of care* in adjusting color characteristics of the image. However, Stuppy mentions the fact the user can be at different skill levels, which could be high or low (Stuppy Col 5 Lines 60-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Stuppy to Hiratsuka, providing Hiratsuka the benefit of having certain levels of care or skills for receiving information or making color adjustments as taught by Stuppy Col 5 Lines 60-67.

In regard to dependent claim 4, Hiratsuka does not disclose *assigning the technician an upload password that permits the upload of the image if the technician satisfies the color adjustment skill criterion*. However, Stuppy mentions access to the system via a user Password that controls features accessible to that user (Stuppy Col 11 Lines 37-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Stuppy to

Art Unit: 2178

Hiratsuka, providing Hiratsuka the benefit of assigning passwords to users that would allow that user to access the system containing information designated for that particular user as taught by Stuppy Col 11 Lines 37-40.

In regard to independent claim 14, Hiratsuka discloses *a computer-readable medium containing instructions that cause a programmable processor* (Hiratsuka Col 6 Lines 42-45 i.e. performed by software on a computer)

Hiratsuka also discloses *adjustment of color characteristics of an image; and permitting an upload of the image to a web server.*(Hiratsuka Abstract i.e. a method for color adjustments of a color image and after color adjustment which is to displayed on an after-adjustment display window.)

Hiratsuka does not mention *identifying a technician* responsible for adjustment of color characteristics . However, Stuppy mentions information uploaded to a user based on their profile (Stuppy Col 2 Lines 2-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Stuppy to Hiratsuka, providing Hiratsuka the benefit of uploading the adjust image color to the user based on their profile to insure the correct information correlates with the correct user as taught by Stuppy Col 2 Lines 1-10.

Hiratsuka does not disclose *if the technician satisfies a color adjustment skill criterion*. However, Stuppy mentions users that receive information or test based on the mastery of certain learning objectives or skills (Stuppy Col 4 Lines 49-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Stuppy to Hiratsuka, providing Hiratsuka the benefit of having a qualification that includes a certain skill level in other the receive certain information as taught by Stuppy Col 4 Lines 49-52.

Art Unit: 2178

In regard to dependent claim 15, Claim 15 in addition to the following reflect the same subject matter as claimed in claim 2 and is rejected along the same rationale.

a computer-readable medium (Hiratsuka Col 6 Lines 42-45 i.e. performed by software on a computer)

In regard to dependent claim 16, Claim 16 in addition to the following reflect the same subject matter as claimed in claim 3 and is rejected along the same rationale.

a computer-readable medium (Hiratsuka Col 6 Lines 42-45 i.e. performed by software on a computer)

In regard to dependent claim 17, Claim 17 in addition to the following reflect the same subject matter as claimed in claim 4 and is rejected along the same rationale.

a computer-readable medium (Hiratsuka Col 6 Lines 42-45 i.e. performed by software on a computer)

5. **Claims 5-6, 18-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiratsuka et al. (herein after Hiratsuka) in view of Stuppy as applied to claims 1 and 14, and in further view of Anabuki U.S. Patent No. 6,091,518 filed 6/25/1997 provided by the applicant.**

In regard to dependent claim 5, Hiratsuka does not disclose *creating an image file representative of the image*. However, Anabuki mentions an image file that contains a header part describing the image size, color space, etc (Anabuki Col 13 Lines 45-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Anabuki to

Art Unit: 2178

Hiratsuka, providing Hiratsuka the benefit of having an image file so the user can see different characteristics of the adjusted image as taught by Anabuki Col 13 Lines 45-50.

Hiratsuka does not disclose of including in the image file *an indication of the identity of the technician*. However, Stuppy mentions a user having a profile which can be seen by a teacher (Stuppy Col 2 Lines 2-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Stuppy to Hiratsuka, providing Hiratsuka the benefit of having a profile or identification of a user which could be incorporated into the image file to the user can see who made adjustments to the image as taught by Stuppy Col 2 Lines 1-10.

In regard to dependent claim 6, Hiratsuka does not disclose *creating metadata for an image file representative of the image*. However, Anabuki mentions an image file that contains a header part describing metadata such as the image size, color space, etc (Anabuki Col 13 Lines 45-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Anabuki to Hiratsuka, providing Hiratsuka the benefit of having metadata in the image file so the user can see different characteristics of the adjusted image as taught by Anabuki Col 13 Lines 45-50.

Hiratsuka does not disclose of metadata including *an indication of the identity of the technician*. However, Stuppy mentions a user having a profile which can be seen by a teacher (Stuppy Col 2 Lines 2-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Stuppy to Hiratsuka, providing Hiratsuka the benefit of having a profile or identification of a user which could be incorporated into the image file to the user can see who made adjustments to the image as taught by Stuppy Col 2 Lines 1-10.

Art Unit: 2178

In regard to dependent claim 18, Claim 18 in addition to the following reflect the same subject matter as claimed in claim 5 and is rejected along the same rationale.

a computer-readable medium (Hiratsuka Col 6 Lines 42-45 i.e. performed by software on a computer)

In regard to dependent claim 19, Claim 19 in addition to the following reflect the same subject matter as claimed in claim 6 and is rejected along the same rationale.

a computer-readable medium (Hiratsuka Col 6 Lines 42-45 i.e. performed by software on a computer)

6. **Claims 7, 9, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiratsuka et al. (herein after Hiratsuka) in view of Stuppy as applied to claims 1 and 14, and in further view of Bruck et al. (herein after Bruck) U.S. Patent No. 6,008,836 filed 11/22/1996 provided by the applicant.**

In regard to dependent claim 7, Hiratsuka does not disclose of *wherein the technician adjusts and uploads a plurality of images, the method further comprising auditing the images uploaded by the technician to assess quality of the adjustments*. However, Bruck describes a user that selects screen from a WebTV system, determines the quality and adjusts the Contrast, Brightness and Sharpness control, etc to the users liking (Bruck Col 7 Lines 10-67, Col 8 Lines 1-67, Col 9 Lines 1-67, Col 10 Lines 1-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bruck to Hiratsuka, providing Hiratsuka the benefit of view a display containing images and determining the quality on the images to make

Art Unit: 2178

adjustments as taught by Bruck Col 7 Lines 10-67, Col 8 Lines 1-67, Col 9 Lines 1-67, and Col 10 Lines 1-60.

In regard to dependent claim 9, Hiratsuka does not disclose of *qualifying the technician for upload of the image if the technician satisfies the color adjustment skill criterion*. However, Stuppy mentions users that receive information or test based on the mastery of certain learning objectives or skills (Stuppy Col 4 Lines 49-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Stuppy to Hiratsuka, providing Hiratsuka the benefit of having a qualification that includes a certain skill level in order to receive certain information as taught by Stuppy Col 4 Lines 49-52.

Hiratsuka does not disclose of *auditing the image to assess quality of the adjustments made by the technician; and revoking the qualification from the technician in the event the assessed quality is unacceptable*. However, Bruck describes a user that selects screen from a WebTV system, determines the quality and adjusts the Contrast, Brightness and Sharpness control, etc to the users liking (Bruck Col 7 Lines 10-67, Col 8 Lines 1-67, Col 9 Lines 1-67, Col 10 Lines 1-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bruck to Hiratsuka, providing Hiratsuka the benefit of view a display containing images and determining the quality on the images to make adjustments as taught by Bruck Col 7 Lines 10-67, Col 8 Lines 1-67, Col 9 Lines 1-67, and Col 10 Lines 1-60.

In regard to dependent claim 20, Claim 20 in addition to the following reflect the same subject matter as claimed in claim 7 and is rejected along the same rationale.

a computer-readable medium (Hiratsuka Col 6 Lines 42-45 i.e. performed by software on a computer)

Art Unit: 2178

In regard to dependent claim 22, Claim 22 in addition to the following reflect the same subject matter as claimed in claim 9 and is rejected along the same rationale.

a computer-readable medium (Hiratsuka Col 6 Lines 42-45 i.e. performed by software on a computer)

7. **Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiratsuka et al. (herein after Hiratsuka) in view of Stuppy as applied to claim 1 and 14, in view of Bruck, and in further view of Anabuki U.S. Patent No. 6,091,518 filed 6/25/1997 provided by the applicant.**

In regard to dependent claim 8, Hiratsuka does not disclose of *qualifying the technician for upload of the image if the technician satisfies the color adjustment skill criterion*. However, Stuppy mentions users that receive information or test based on the mastery of certain learning objectives or skills (Stuppy Col 4 Lines 49-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Stuppy to Hiratsuka, providing Hiratsuka the benefit of having a qualification that includes a certain skill level in order to receive certain information as taught by Stuppy Col 4 Lines 49-52.

Hiratsuka does not disclose *creating an image file representative of the image*. However, Anabuki mentions an image file that contains a header part describing the image size, color space, etc (Anabuki Col 13 Lines 45-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Anabuki to Hiratsuka, providing Hiratsuka the benefit of having an image file so the user can see different characteristics of the adjusted image as taught by Anabuki Col 13 Lines 45-50.

Art Unit: 2178

Hiratsuka does not disclose of including in the image file *an indication of the identity of the technician*. However, Stuppy mentions a user having a profile which can be seen by a teacher (Stuppy Col 2 Lines 2-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Stuppy to Hiratsuka, providing Hiratsuka the benefit of having a profile or identification of a user which could be incorporated into the image file to the user can see who made adjustments to the image as taught by Stuppy Col 2 Lines 1-10.

Hiratsuka does not disclose of *auditing the image to assess quality of the adjustments made by the technician; and revoking the qualification from the technician in the event the assessed quality is unacceptable*. However, Bruck describes a user that selects screen from a WebTV system, determines the quality and adjusts the Contrast, Brightness and Sharpness control, etc to the users liking (Bruck Col 7 Lines 10-67, Col 8 Lines 1-67, Col 9 Lines 1-67, Col 10 Lines 1-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bruck to Hiratsuka, providing Hiratsuka the benefit of view a display containing images and determining the quality on the images to make adjustments as taught by Bruck Col 7 Lines 10-67, Col 8 Lines 1-67, Col 9 Lines 1-67, and Col 10 Lines 1-60.

In regard to dependent claim 21, Claim 21 in addition to the following reflect the same subject matter as claimed in claim 8 and is rejected along the same rationale.

a computer-readable medium (Hiratsuka Col 6 Lines 42-45 i.e. performed by software on a computer)

8. **Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiratsuka et al. (herein after Hiratsuka) in view of Stuppy as applied to claims 1 and 14,**

Art Unit: 2178

and in further view of Holub U.S. Patent No. 6,043,909 filed 2/26/1996 provided by the applicant.

In regard to dependent claim 10, Hiratsuka discloses *adjustment of color characteristics of an image*. (Hiratsuka Abstract i.e. a method for color adjustments of a color image and after color adjustment which is to displayed on an after-adjustment display window)

Hiratsuka does not disclose of the adjusting the color characteristics of the image *to more closely approximate the appearance of a physical item..* However, Holub mentions for each color entry in the FMT, find the closest color address in the prototype (Holub Col 29 Lines 30-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Holub to Hiratsuka, providing Hiratsuka the benefit of ensuring the colors are as close as possible to the original so the user will have an ideal of the actual look of the items as taught by Holub Col 29 Lines 30-55.

In regard to dependent claim 23, Claim 23 in addition to the following reflect the same subject matter as claimed in claim 10 and is rejected along the same rationale.

a computer-readable medium (Hiratsuka Col 6 Lines 42-45 i.e. performed by software on a computer)

9. **Claims 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiratsuka et al. (herein after Hiratsuka) in view of Stuppy as applied to claims 1 and 14, in view of Holub as applied to claims 10 and 23, and in further view of Holtzman et al. (herein after Holtzman) U.S. Patent Pub No. 2001/0027439 A1 filed 11/30/2000**

Art Unit: 2178

In regard to dependent claim 11, Hiratsuka does not disclose of *wherein the physical item is a retail item offered for sale via the web server*. However, Holtzman mentions a user making a purchase of an item on a website (Holtzman Page 6 Paragraph 63). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Holtzman to Hiratsuka, providing Hiratsuka the benefit of having the items with adjust characteristics available for purchase on the web to allow users the convenience of shopping online without having to leave the house and taught by Holtzman.

In regard to dependent claim 24, Claim 24 in addition to the following reflect the same subject matter as claimed in claim 11 and is rejected along the same rationale.

a computer-readable medium (Hiratsuka Col 6 Lines 42-45 i.e. performed by software on a computer)

10. **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiratsuka et al. (herein after Hiratsuka) in view of Stuppy as applied to claim 1, in view of Holub as applied to claim 10, and in further view of Anabuki U.S. Patent No. 6,091,518 filed 6/25/1997 provided by the applicant.**

In regard to dependent claim 12, Hiratsuka does not disclose *making further adjustments to the color characteristics of the image based on color response characteristics of a display device associated with a client; and downloading the adjusted image from the web server to the client via a computer network*. However, Anabuki mention a receiving device receives the color image information or the object information and the profile specification information transmitted by the image transmission means. A call device requests profile

Art Unit: 2178

information specified by the profile specification information received by the reception device from the profile storage device. A color correction device then uses the profile information to make a color correction in the color image information or color image information prepared from the object information. A reproducing device then reproduces the color corrected color image information, which is connected to a network. (Anabuki Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Anabuki to Hiratsuka, providing Hiratsuka the benefit of having an image adjust the a users display device so the user can have an ideal of what the actual item looks like as taught by Anabuki Abstract.

11. **Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiratsuka et al. (herein after Hiratsuka) in view of Stuppy as applied to claim 1, in view of Holub as applied to claim 10, in view of Anabuki as applied to claim 12, and in further view of Bruck et al. (herein after Bruck) U.S. Patent No. 6,008,836 filed 11/22/1996 provided by the applicant.**

In regard to dependent claim 13, Hiratsuka does not disclose of *guiding the client through a color profiling process via one or more web pages to estimate the color response characteristics of the display device*. However, Bruck mentions the picture adjustment screen provides access to control screens which prompt the user to manipulate the picture quality controls on the client display device. The control screens also contain instructions which guide the user through the process of properly adjusting the picture quality controls. The control screens further contain test patterns or reference images which allow the user to accurately calibrate the picture characteristics for which controls are available. (Bruck Col 2 Lines 65-67

Art Unit: 2178

Col 3 Lines 1-6) It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bruck to Hiratsuka, providing Hiratsuka the benefit of guiding the user through steps of adjusting the picture and color of an item to ensure the image quality that the user is accustomed to as taught by Bruck Col 3 Lines 1-6.

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiratsuka et al. (herein after Hiratsuka) in view of Stuppy as applied to claim 14, in view of Holub as applied to claim 23, in view of Holtzman as applied to claim 24, and in further view of Anabuki U.S. Patent No. 6,091,518 filed 6/25/1997 provided by the applicant.

In regard to dependent claim 25, Claim 25 in addition to the following reflect the same subject matter as claimed in claim 12 and is rejected along the same rationale.

a computer-readable medium (Hiratsuka Col 6 Lines 42-45 i.e. performed by software on a computer)

13. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiratsuka et al. (herein after Hiratsuka) in view of Stuppy as applied to claim 14, in view of Holub as applied to claim 23, in view of Holtzman as applied to claim 24, and in further view of Bruck et al. (herein after Bruck) U.S. Patent No. 6,008,836 filed 11/22/1996 provided by the applicant.

In regard to dependent claim 26, Claim 26 in addition to the following reflect the same subject matter as claimed in claim 13 and is rejected along the same rationale.

Art Unit: 2178

a computer-readable medium (Hiratsuka Col 6 Lines 42-45 i.e. performed by software on a computer)

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yang et al.	U.S. Patent No. 5,606,395	issued	2/25/1997
Hayashi et al.	U.S. Patent No. 5,790,282	issued	8/4/1998
Hasegawa et al.	U.S. Patent No. 6,333,752 B1	issued	12/25/2001

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Londra C Burge whose telephone number is 703-305-8784. The examiner can normally be reached on 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

Art Unit: 2178

Or faxed to:

(703) 746-7239 (for formal communications intended for entry)

Or:

(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Or:

(703) 746-7238 (for after-final communications)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).


STEPHEN S. HONG
PRIMARY EXAMINER

Londra C. Burge
5/21/04